

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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KIRK DAHL, ET AL., Individually and  
on Behalf of All Others Similarly Situated,

Plaintiffs

v.

CIVIL ACTION NO.:  
07-12388-EFH

BAIN CAPITAL PARTNERS, LLC, ET AL.,

Defendants.

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**ORDER**

March 1, 2011

HARRINGTON, S.D.J.

After review of the papers, the Court concludes that the release contained in the Kansas litigation stipulation of settlement, agreed to by certain defendants and former Kinder Morgan shareholders, plainly encompasses plaintiffs' present claims with respect to the Kinder Morgan transaction. The Court, therefore, grants the defendants The Goldman Sachs Group, Inc., TC Group III, L.P. and TC Group IV, L.P. (sued as "the Carlyle Group") and The Blackstone Group L.P.'s<sup>1</sup> Motion to Dismiss Settled and Released Claims (Docket No. 410) and orders such defendants to be released from all claims that arise out of, are based upon, relate to, or concern the Kinder Morgan transaction alleged in the Fourth Amended Complaint.

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<sup>1</sup> While not a party to the settlement, plaintiffs concede that Blackstone participated as the advisor to the Kinder Morgan special committee during the transaction. Entities released under the stipulation of settlement include financial advisors of Kinder Morgan. The claims against Blackstone are, therefore, released.

In accordance with the ruling above, the defendants' Motion to Dismiss Settled and Released Claims (Docket No. 410) is ALLOWED and the plaintiffs' Motion for Injunctive Relief or other Appropriate Relief Under the all Writs Act and the Court's Inherent Powers (Docket No. 392) is DENIED.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge